

by Andrew & Co. Stationers 2
A TRUE
STATE of the CASE, 10368 e 5
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Relative to the DISPUTE about the

Parish Register-Book,
O F
CHATHAM in KENT.

To which is added,

An ANSWER

TO A

Very *disfingenuous* and *calumnious* Charge made
against the late Church-Wardens of that
Parish, in a *Pamphlet lately published* by the
Minister, intituled, "*Letters and Instruments*
relative to the Dispute, &c.

*He that is first in his own Cause seemeth right, but
his Neighbour cometh and searcheth him. Prov.
xviii. 17.*

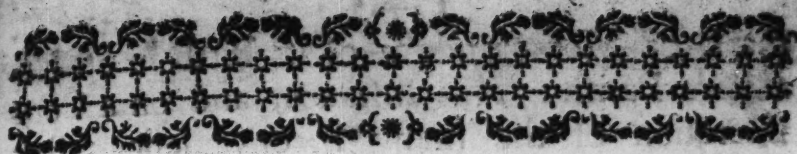
L O N D O N :

Printed for JOHN TOWNSON, Bookseller at
CHATHAM. 1766.



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A TRUE

STATE of the CASE, &c.

XXXXX **S**OME Time in the Summer of the
XXXXX Year 1765, and soon after we were
XXXXX elected Church-Wardens for the Pa-
rish of *Chatham*; having discovered
that a *Bastard* Child, which was born in the
Parish of *St. Nicholas* in *Rocheſter*, had been
baptized * at *Chatham* Church, without any
Remark or *Memorandum* having been made of
its being born in the Parish of *St. Nicholas*.
And as the Place of *Baptiſm* is generally ad-
judged to be the Place of *Birth* and *Settlement*,
unleſs the contrary appears; and as it might
happen that this *Child*, by its Baptiſm in *Chat-*
ham, might become chargeable to that Parish,
by reaſon of ſuch Neglect of making a Re-

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mark

* A Caſe of this Sort lately appeared on an Appeal be-
tween *St. Margaret's* in *Rocheſter*, and *Maidſtone* Pariſhes,
both in *Kent*. A *Baſtard* Child was born at *St. Margaret's*
and baptized at *Maidſtone*. The Register of the Baptiſm
was produced to prove the Birth, and to fix the Settlement
there; but by meer Accident, it being found out, that
the Child was born at *St. Margaret's*, its Settlement was
adjudged to be there.

Hence we ſee how neceſſary it is to take Care at
the Registering of Baptiſms, to note the Place of the
Birth; and that the utmoſt Care ought to be taken of
Parish Registers

mark or Memorandum of its Birth in St. Nicholas's Parish: This Instance, and on a Consideration of the many Inconveniencies that may arise from the Loss of, or an incorrect or imperfect Register being kept; first gave a Hint to us of desiring the Minister to † place our *Parish-Register* in a *Coffer* in the Church, with three Locks upon it, pursuant to the Directions of the 70th ‡ Canon, in order that the Registering of Baptisms, Weddings, and Burials

† The Minister is a Minor Canon of *Rocheſter*, and keeps the *Ghatſham* Register at his Houſe in *Rocheſter*.

‡ Canon 70. A. D. 1603.

“ In every Church and Chapel within this Realm, ſhall
 “ be provided one Parchment Book, at the Charge of the
 “ Pariſh, wherein ſhall be written the Day and Year of
 “ every Chriſtning, Wedding and Burial, which have
 “ been in that Pariſh ſince the Time that the Law was
 “ firſt made in that Behalf, ſo far as the ancient Books
 “ thereof can be procured, but eſpecially ſince the Be-
 “ ginning of the Reign of the late Queen. And for the
 “ ſafe keeping of the ſaid Book, the Church-Wardens, at
 “ the Charge of the Pariſh, ſhall provide one ſure Coffer,
 “ with three Locks and Keys, whereof the *one* to remain
 “ with the Miniſter, and the *other two* with the Church-
 “ Wardens ſeverally, ſo that *neither the Miniſter without*
 “ *the two Church-Wardens, nor the Church-Wardens with-*
 “ *out the Miniſter*, ſhall at any Time take that Book out
 “ of the ſaid Coffer. And henceforth, upon every *Sabbath*
 “ *Day*, immediately after Morning or Evening Prayer,
 “ the Miniſter and Church-Wardens ſhall take the ſaid
 “ Parchment Book out of the ſaid Coffer, and the Mi-
 “ niſter, *in the Preſence* of the Church-Wardens, ſhall
 “ write and record in the ſaid Book, the Names of all
 “ Perſons chriſtened, together with the Names and Sur-
 “ names of their Parents; and alſo the Names of all Per-
 “ ſons married and buried in that Pariſh, in the Week
 “ before, and the Day and Year of every ſuch Chriſtning,
 “ Marriage and Burial; and that done, they ſhall *lay up*
 that

Burials might be made, so as to have the Authenticity attending them, which the Laws of the Land required in that Respect; and accordingly, on the 29th Day of *October*, 1765, we waited on the Minister for that Purpose, and having given him many cogent Reasons, for having the Register deposited agreeable to the Directions of the said Canon, and desiring that it might be so deposited for the future; yet he absolutely refused to comply with such Request: Whereupon we *advised* with the *principal Inhabitants* of the Parish, and they recommended the Canon to be put in Force; and at a Visitation of the Reverend Dr. *Denne*, Arch Deacon of *Rockester*, in *September* or *October* last, we made a *Presentment* of such Breach of the Canon, and Redress was expected

“ that Book in the Coffer as before; and the Minister and
 “ Church-Wardens, unto every Page of that Book, when
 “ it shall be filled with such Inscriptions, shall subscribe
 “ their Names. And the Church-Wardens shall once every
 “ Year, within one Month after the 25th Day of *March*,
 “ transmit unto the Bishop of the Diocese, or his Chan-
 “ cellor, a true Copy of the Names of all Persons christ-
 “ ened, married or buried in their Parish, in the Year
 “ before ended the said 25th Day of *March*, and the
 “ certain Days and Months in which every such Christ-
 “ ening, Marriage and Burial was had, to be subscribed
 “ with the Hands of the said Ministers and Church-
 “ Wardens, to the End the same may be faithfully pre-
 “ served in the Registry of the said Bishop; which Cer-
 “ tificate shall be received without Fee. And if the Mi-
 “ nister or Church-Wardens shall be negligent in Per-
 “ formance of any thing herein contained, it shall be law-
 “ ful for the Bishop, or his Chancellor, to convent them,
 “ and proceed against every of them, as Contemners of this
 “ our Constitution.

pected therefrom, but it had not the desired Effect: So we took the Liberty to *address* the *Lord Bishop* of *Rocheſter*, in Relation thereto, by a Letter in theſe Terms, *viz.*

*To the Right Reverend Father in God Zachary,
Lord Biſhop of Rocheſter.*

Chatham, Dec. 2, 1765.

WE the Church-Wardens of the Pariſh of *Chatham*, in your Dioceſe, do humbly beg Leave to recommend to your Conſideration the following Caſe.

By Deſire of the principal Part of the Pariſhioners (from the Inconveniencies which have lately occur'd) we have requested the Register-Book to be kept in the Church, which has been refuſed by Mr. *Frank*, our Miniſter, who keeps it out of the Pariſh. We have made a Preſentment of it at the late Viſitation, the Gentlemen there acting, think we have no Right to keep it with the Miniſter, as directed by the 70th Canon, but to be kept by him alone. Your Lordſhip's Book of Directions is contrary to their Opinion, ſo is Dr. *Burn's* Eccleſiaſtic Law. The Objections we make are principal ones; particularly that of bringing illegitimate Children from the neighbouring Pariſhes, and baptizing them in our Church, and no Notice taken in the Register where they are brought from, as Church-Wardens are moſt acquainted with the Inhabitants of large

large Parishes, as ours is, by duly executing the Register may avoid the Incumbrance likely to fall on the Parish from these Practices; humbly beg your Lordship will favour us with an Answer how we may proceed in this Matter of great Consequence. Beg Leave to stile ourselves,

Your most obedient humble Servants.

Which his Lordship was pleased to condescend to answer in the following Letters.

*Dean's-yard, Westminster,
Dec. 10, 1765.*

S I R,

WITH my Respects to you and your Brother Church-Warden, this comes to acquaint you, that I have received your joint Letter, and am sorry to find, that there is any Misunderstanding between you and Mr. Frank.

Before I received your Letter I had received one from Mr. Frank, concerning the Affair of the Parish-Register, and I had written to him on that Subject: Perhaps what I said in my Letter concerning it may contribute to make up the Difference between both Parties; but if not, it cannot be expected by either Party, that I should judicially give my Opinion in the Matter. The proper Application is to be made to my Court, in which my Chancellor sits as Judge, and where he determines such Disputes, after hearing what is said by the Advocates on both Sides.

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The proper Way of bringing this Question, about keeping the Register, before my Court, is to employ a Proctor for that Purpose (there are many of them living about *Doctors Commons*) and he will put you in a Way of instituting a Suit for obtaining a Judgment from the Chancellor.

In your Letter you mention me as having given an *Opinion in a Book of Directions*; but I know of no *Book of Directions* given by me, unless a half Sheet of printed Questions sent to my Clergy in 1757, be called so; and in that Sett of Questions I do not find a Word about Registers. I am,

S I R,

Your very humble Servant.

*Dean's-yard, Westminster,
Dec. 12, 1765.*

S I R,

SINCE I wrote to you, I have recollected, that in the printed Sheet of Paper, called *Articles of Visitation and Enquiry, &c.* sent to every Parish upon my primary Visitation in 1757, there is Mention made, in Tit. i. Sect. 8, of the Register-Books, and the manner of keeping them in every Parish, as is directed by the 70th Canon. This, I suppose is what your Letter calls a *Book of Directions*; and it is certain, that my Questions in that Paper of Enquiries

Enquiries did relate to such Rules as are laid down in the 70th Canon.

Of this I thought proper to give you and your Brother Church-Warden Notice, and am,

S I R,

Your very humble Servant.

We attended the Minister with the Bishop's Letters, and *respectfully* desired to peruse his Lordship's Letter to him, relating to the Dispute (which his Lordship in his Letters to us had informed us he had sent to him) but he absolutely refused to shew it, * or to part with the Register-Book.

On the 14th of *October* following, the Minister sent us the Letter set forth in his Pamphlet, Page 26, and finding thereby he was inflexible to any further Treaty or Application (*which we always made to him in the most respectful manner*) for depositing the Register as above; We informed him, by Notice in Writing, dated the 28th of *December*, that a Vestry would be held the next Day, being *Sunday*, to collect the Sense of the Parishioners on his Refusal, and to have their Resolution concerning it; and accordingly such Vestry was held, and an Order was made in these Words,

At a Vestry held in the Parish-Church at *Chatbam*, in the County of *Kent*, the 29th of
B *December,*

* Because it might contribute to make up the Difference. Vide the Bishop's Letter of the 10th of *December*.

December, 1765, Agreed, the Registers be kept at the said Church, under the Care and Custody of the Minister and Church-Wardens, which shall be at all times in the Power of them to have Recourse to, to see registered the Marriages, Burials and Christenings. And as the said Register have been kept at the Minister's own House out of the Parish, we therefore order, that the said Registers be for the future kept at the Church, according to the 70th Canon, and that the Church-Wardens do communicate the same to Mr. Frank.

<i>John Cazeneuve</i>	} Church-Wardens.
<i>William Wetheridge</i>	
<i>Sam. Hall,</i>	Overseer.
<i>Tho. Fletcher</i>	<i>Will. Billings</i>
<i>Isaac Wildash</i>	<i>Will. Tress</i>
<i>Jacob Cazeneuve</i>	<i>John Byers</i>
<i>James Purcel</i>	<i>Geo. King</i>
<i>Will. Guy</i>	<i>Hen. Spencer</i>
<i>John Sargent</i>	<i>Dan. Wells</i>
<i>Rich. Cooke</i>	<i>John Somerton</i>
<i>Henry Farmer</i>	

At which Vestry were present *eighteen* Parishioners, *two* of whom were *Justices* of the Peace for *Kent*; and *several* others of them were Persons of *Opulence, Sense and Experience*, and *above* the Suspicion of being *pack'd* to make a *Party* of by *either* of the *Disputants*, to answer any *sinister* Purpose, as the Minister hints at in Page 39 of his Pamphlet.

Hitherto

Hitherto it appears most obviously, that no Step was intended to be taken in the ecclesiastical or common Law Courts (since the Presentment above mentioned, which proved abortive) to enforce the Minister to an Observance or Obedience to the Terms of the Canon, though it is most *artfully* insinuated in his Pamphlet, Pages 18, 19 and 39, that *we are People of enterprizing Tempers — May like to litigate and try what we can do in the Spiritual Court — And then in Westminster-Hall — But at Length will wish we had let the Chace alone!*

Pardon this Digression, and we will proceed.

We presented a Copy of the Vestry Order * of the 29th of *December*, to the Minister, and after a Perusal of it, he told us the Book should be *brought* into the Parish; we then *respectfully* demanded of him *when?* So soon, (*answers he*) as you are provided with a *Chest* with three Locks and Keys to keep them in.

We departed, and very soon afterwards waited upon him again, and *told* him the *Chest* was *provided*, and he promised that the Register-Books should be brought there that Week (or in a Week's Time) but they not being brought according to such Promise, we sent him this Letter.

Chatham,

* The Minister has in his Pamphlet requested that *proper Allowances* for Inaccuracies and Errors be made; so the Church-Wardens hope to have the same *Favour* granted to them, and for the same *Reasons*.

Chatham, Feb. 18, 1766.

S I R,

ON our Application (on *Monday* the 10th Instant) to you, you promised the Register-Books should be brought down to the Church: On our Enquiry on *Sunday* last in the Afternoon, we find they are not. If you have a Desire to preserve that Tranquility with the Parish, as you have in your Letters express'd, we think you would not have forfeited your Word. These are to desire your Answer *per* the Bearer, if you intend sending them down this Week; if not, we have such Directions as may not prove agreeable. We are,

S I R,

Your most humble Servants.

And on the 20th of *January* following, he sent us the following Letter.

Rochester, Jan. 20th, 1766.

S I R,

AS you have been pleased to tell me, that a *Chest*, with three Locks and Keys, is provided for the *safe* keeping of the Registers; I take this Opportunity of acquainting you, that, on the previous Condition of having it under your Hands, that you will punctually comply with the *Directions* of the 70th *Canon*, and your own Order of Vestry, they shall be forthwith sent.—These are the Words of the *Canon*,

“ That

“ That the Register for *Chriftenings, Weddings,*
 “ and *Burials*, fhall be put into a *sure Coffe*
 “ with *three* Locks and Keys, whereof the *one*
 “ to remain with the *Minifter*, and the other
 “ *two* with the *Church-Wardens* feverally: So
 “ that neither the *Minifter* without the two
 “ *Church-Wardens*, nor the *Church-Wardens*
 “ without the *Minifter*, fhall at any Time
 “ take that Book out of the Coffe.”—Your
 fignifying a Readinefs to comply with thefe
 Terms, will be a Means of putting an End to all
 Strife on this Head, between yourfelves, and

Faithful Friend and Paftor.

This Letter being *unintelligible* and *evasive*,
 and the *Drift* of his whole Proceedings feem-
 ing to be to postpone his delivering up the
 Books till *Eafter*, when we fhould be out of
 Office; * and being publickly and privately
 infligated by feveral of the Parifhioners, to
 bring the Matter to an *Issue* and *Determination*,
 we called another Veftry, who made the fol-
 lowing Order, † *viz.*

At a Veftry called in the Parifh-Church at
Chatham, in the County of *Kent*, on *Sunday* the
 23d

* As the *Minifter* has the Appointment of one *Church-*
Warden, and the *Parifhioners* the other, he entertained
 Hopes, that our *Successors* would not follow the *Chace*, as
 he is pleafed to call it, or at leaft not *gallop* fo faft as the
 prefent.

† This Order was figned by twenty-three *Parifhioners*,
 being all that were prefent, except one or two *Persons*.

23d Day of *February*, 1766, to be held on *Monday* the 24th Day of *February*, 1766.

Whereas it appears unto us, that on a Vestry Order made the 29th Day of *December*, 1765, it was required, that the Reverend *Walter Frank*, Minister of the Parish of *Chatbam* aforesaid, should no longer keep the Register-Books belonging to the said Parish out of and from the same, but that the said Books should be kept and lodged in the said Parish-Church: And whereas a true Copy of the said Order has been delivered to the said *Walter Frank*, agreeable to the Request and Direction of the Vestry then held, but he the said *Walter Frank*, has in no ways complied with the said Order, although he hath often promised so to do. Now therefore, we whose Hands are hereunto set, on this Vestry, duly held by Notice in the said Church, and by tolling the largest Bell thereof, do hereby Order, that the said Register-Books be immediately brought into the Vestry-Room of the said Church, and there kept under the Care of the Minister and Church-Wardens of the said Parish, for the Time being; and that in case the said *Walter Frank* does not immediately comply with this our Order, we hereby order Mr. *John Cazeneuve* and Mr. *William Witheridge*, the present Church-Wardens of the said Parish, forthwith to take and use all and every such Measures and Proceedings against him in the Ecclesiastical or Temporal Courts, or otherwise to compel him the said *Walter Frank* thereto, as they the said

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John Cazeneuve and *William Witheridge*, their Council, Proctor, or Attornies, shall be advised, and think necessary and expedient to that End. And we hereby further order, for the Indemnity of them the said Church-Wardens *John Cazeneuve* and *William Witheridge*, that the succeeding Church-Wardens and Overseers of the Poor of the said Parish, do pay the said *John Cazeneuve* and *William Witheridge* all their Costs, Charges, Damages and Expences, attending or ensuing from the said Measures and Proceedings, so to be taken as aforesaid, out of the Church and Poors Rates, which shall be collected in the said Parish. Witness our Hands this 24th Day of *February*, 1766.

<i>John Cazeneuve</i>	}	Church-Wardens.
<i>William Witheridge</i>		
<i>Step. Hart</i>	}	Overseers.
<i>Sam. Hall</i>		
<i>Rich. Cooke</i>	<i>John Byers</i>	
<i>Will. Guy</i>	<i>Will. Bolton</i>	
<i>James Purcel</i>	<i>Will. Berry</i>	
<i>Edw. Wood</i>	<i>Henry Spencer</i>	
<i>Henry Farmer</i>	<i>Will. Carter</i>	
<i>Dan. Wells</i>	<i>Tho. Collier</i>	
<i>Will. Billings</i>	<i>Tho. Tame</i>	
<i>Geo. King</i>	<i>Rob. Landen</i>	
<i>Tho. Boys</i>	<i>Will. Newell</i>	
<i>Jer. Sparrow</i>		

And the next Day we sent him the following Letter.

S I R,

S I R,

THESE are to inform you of a Vestry called on *Sunday*, and held Yesterday, though judge not the earliest Information. We think there can be no sufficient Reason why the Register-Books should be kept out of the Parish till *Easter Monday*; the Purport of the Order (made at the Vestry, held by calling in the Church, and tolling the Bell) do order that the Parish Register Books, which you have, be immediately brought into the Vestry Room of the Church, and there kept under the Care of the Minister and Church-Wardens of the said Parish, for the Time being; and if the Order is not immediately complied with, we are ordered to use such Measures and Proceedings as we shall be advised by Council, Proctors, or Attornies, either in the Ecclesiastical or Temporal Courts; and also, we are indemnified from all Costs of Suit, Damages, &c. to be paid out of the Church and Poors Rates, &c.

Now these are further to acquaint, if this Order is not comply'd with, we shall To-morrow set out for *London*, and proceed according to the Request of the Order. Hope you will by this be thoroughly convinced the Displeasure you must gain of the Parishioners, in the detaining them. Your Compliance you may plainly see will be a Means to put an End to all Animosities, which will prove a Pleasure to us as well as you,

Your humble Servants

And we received an Answer thereto, dated the same Day, which is set forth in Page 35 of the Pamphlet; and notwithstanding he pleads an Excuse (which is a paltry one indeed!) in his Note thereon, in Page 40, of the *tediousness* of *copying* * his own Letters, and the *Impossibility* of doing it *Verbatim*, and for the *abbreviating* a *Passage*, &c. yet there can be *no* Excuse for his *enlarging*, *mutilating*, and *amputating* of them as he has done in his Publication; though we scorn to be so ungenerous as to take the Advantage which such a Proceeding may have given us, as he is far *advanced* in *Years*, and (as he informs us) *subject* to *Infirmities*.

The Reader may be assured that in our Proceedings in this Business, we had more the Service of the Parish in View, than to clap a *Feather of Victory* in our *Caps*; and we trust we have made no *indecent*, if any *Triumph* upon our Successes, although the Contrary seems to have been foretold or prognosticated.

To conclude then, this Narrative (which is a true and exact State of the Facts relative to the Dispute between the Minister and us, in respect to the Register) after the *above literary* and many *verbal Altercations* had concerning it, and after so much *perplexing*, *puzzling*, and *fulminating*, †

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about

* The Minister might have employed his Curate to do it (whose "Tongue is the Pen of a ready Writer," as the Psalmist expresses it) or if he had been otherwise employed, he might have ordered *his* Curate to have done it.

† A Term used in his Letter of the 25th of *February*, omitted in the Publication.

about the Matter, the Minister very lately sent
the Register, and it is now deposited as the
70th Canon directs.



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T O A V E R Y

Disingenuous and Caluminous Charge
made against the late Church-War-
dens, &c.

IS it not exceedingly *amazing!* that the Minister of *Chatbam*, after a very *obstinate* Contest for several Months, for keeping the Register-Books of the Parish in *his own Custody*, and *out of the Parish*, should at last *submit* to have them deposited pursuant to the Canon made in that Respect? Is it not more than a *tacit* Acknowledgment of his being in the Wrong? If so, had not he much better have let such a *stiff necked Behaviour*, sunk into Oblivion; and rather than have *fan'd* afresh the small *Flame* that now remains of the late *Dispute* into a *Blaze*, have left it to extinguish of its own Accord, which a little Time probably would have effected? No; it seems that the Minister would not let such an Opportunity slip of appearing in Print, to display his Talents in Disputation! As is most evident, by a *Part*

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of his Letter of the 25th of *February* (which Part, with other Parts of it, he has omitted to print in his Pamphlet) *viz.* “ And I desire
 “ your Consent, that *every* Letter, *every* Paper,
 “ and *every* Transaction be collected together,
 “ printed, and laid before the World.”

Well, we wish the Minister had published *all* the *EVERYS* he mentions in his Letter, and then it would have saved us the Trouble of this Publication to make good the *Deficiencies* of *his*, to clear ourselves of the *High Crimes* and *Incivilities* laid to our Charge: To proceed,

It is almost *needless* to inform the Parishioners of *Chatham*, that we are faithful Members of the Church of *England*, it being so well known to them; and that we have *always* shewed a great Veneration for it, and its *Ministry*; and we have thought it necessary to mention this, to shew that we *are not Dissenters*, and have not *launched* into a *Dispute* with our Minister from being of *different* Principles only, but for a *real* Cause; and our Characters in Life we submit to the strictest Scrutiny.

The Charge hinted to us in Page 1, of the Pamphlet, that in our Office of Church-Warden we “ have done *so little* for the *Church* and “ *Religion*,” we leave the Parishioners to judge how far it is founded on Truth.

We perceive the whole *Drift* of his Pamphlet is to shew that “ *We have done those things*
 “ *which we ought not to have done*; and that *We*
 “ *have left undone those things which we ought to*
 “ *have*

“ *have done* ;” and so by *logick Art*, prove we have done *so little* for the Parish ; but our worthy Neighbours will judge upon real Facts, and (we doubt not) allow, that we have done a *great deal of Service* to the Parish since we came into our Office.

We need not enter into the Particulars here ; they are easily recollected.

We are charged in Page 2, with a *Breach* of our *Oath*, in not observing the 26th Canon, by making *no* Presentment of *unclean Persons* — common *Swearers* or *Drunkards* — Habitual *Neglecters* of divine Service, and *others*, who by their wicked Lives are a *public Scandal* and Reproach to Religion.

Now it is not, and indeed it cannot be supposed, that Church - Wardens are *acquainted* with the Canon or Ecclesiastical Laws ; it is very plain it is not expected, for such Parts of those Laws as come under the *Jurisdiction* or *Execution* of Church-Wardens, are set forth in the Bishop’s *Articles of Visitation and Inquiry*, at his *Primary Visitation*, * for their Information and Instruction ; and there the above Charges run in these Words, *viz.*

1. “ Are there any in your Parish who lie under a *common Fame* or *vehement Suspicion* of *Adultery*, *Fornication*, or *Incest* ?

2. “ Are there in your Parish any *common Swearers* or *Drunkards* ?

3. “ Are

* Vide the printed Articles, dated 1757.

3. " Are there any who commonly *absent* themselves from the public Worship of God on the Lord's Day ?"

To the first we answer, That in such a *populous Place as Chatham* (especially in War Time) there may be several Persons who may fall under *common Fame*, or the *Suspicion* of being guilty of the Crimes mentioned in this Article ; but to *present* meer *common Fame* or *Suspicion*, surely means nothing ; and to come at *Facts* to ground a Prosecution and Punishment is a most difficult Matter. — We believe it would be out of the Power of the whole *Society* for the *Reformation of Manners*, if they resided here, to suppress them ; much less can it be done by two Individuals, the Church-Wardens, though they were possessed of the utmost *Skill* in *Secular Affairs*, or had the most *ardent Zeal* for *Religion* : In fine, this Charge seems to be *obsolete*, and such Crimes left to the Prosecution of those who can prove the Facts in the proper Courts of Justice.

To the *second* we answer, that *common Swearers* and *Drunkards* are punishable in a *summary Way*, by the Statute Law, at the Instance of *Informers* * which is much more *eligible* to pursue, than the expensive and tedious Method of Presentment, &c. which probably may have no Effect, if carried to its ultimate

* Vide the Poor's Rate for *Midsummer Quarter*, 1765, a Person in our Parish fined a large Sum for Swearing.

mate Procefs. And indeed ſuch Proceedings ſeem to have been a long Time *diſuſed*.†

To the *Third* we answer, that ſince paſſing of the *Act of Toleration*, ſuch a Charge ſeems to us to be nugatory and void, and impoſſible to be carried into Execution.†

And laſtly, The Matter of not preſenting the *Want* of a *Cheſt or Box* * with three Locks and Keys, required in the Church for *Alms*; it is not ſo much as mentioned in the Articles of the Viſitation Inquiry—But if the Miniſter had *hinted* to us, that ſuch a Cheſt was wanting, it ſhould have *inſtantly* been put up; ſo that he ſeems to be in *Fault* in this Reſpect *equal* with us: And this we have further and only to ſay, in Reſpect to the Viſitation Inquiry, and we aver it to be a Truth; that we have not WITTINGLY or WILLINGLY ‡ been guilty of a Breach of any Charge or Article thereof.

Now

†† It is highly probable that from the Imbecillity of Proſecutions by Preſentment, that Acts of Parliament were made to puniſh theſe Offences; and it ſeems as if theſe Charges ought long ſince to have been expunged, or left out of the Viſitation Articles of Inquiry.

* There are very few (if any) *Alms Boxes* to be found in the *London Churches*, at this Day; and indeed there ſeems to be no Occaſion to continue them any longer; and where any ſuch is kept, it is ſcarcely or ever opened, for nothing is expected to be found in it, but the *Excrements* of *Spiders*, or *Materials* to make their *Webs*! And the late ingenious *Hogarth* has highly ridiculed the Continuance of them, by placing a *large Cobweb* over the *Hole* where the *Alms* are to be put in.

See the Marriage Scene in the *Rake's Progreſs*.

‡ Vide the Charge, page 4, Can. 117.

Now the *only Method* we can think of to suppress the *Vices* above mentioned is, for every *Minister*, who has the *Cure of Souls*, to reside in his Parish, and publickly from the Pulpit persuade such Delinquents to lead better Lives; and if it should have no Effect, or they should not come to Church, to *reprove* them *privately* at their *Houses*—This will be an *Operose* Work indeed; and we well know how fond some of the Clergy are of *much Labour*! But whilst one *Curate* leaves his Cure to another, who has also a *Cure of Souls* of his own, which he commits to the Charge of a *third Curate*,* and the Neighbourhood continues to be so *curated*, as it has been lately, we must despair of Success in a Matter of so great Concern; for it seems by such Proceedings, as if they had an *Eye* more towards *secular* than *religious Affairs*, as that excellent Prelate Dr. *Gibson*, says, the Church-Wardens of late Time have. Vide Page 3 of the Pamphlet.

Those who Charge us with *Omissions* or *Neglect* of Duty, are uncharitable, and ought to read *Matt. vii. 3.* and make a proper Application of it.

Do

* It is to this, or some other Behaviour of the Clergy, that not a few think there are so many Methodists and Enthusiasts, who follow every *Wind of Doctrine*; the Effect often verifying these Lines written by the excellent Author of *Hudibras*.

—— “ *Wind* in the Hypochondres pent,
 “ Is but a *Blast* if downward sent,
 “ But if it upwards chance to rise!
 “ Then 'tis *new Light* and *Mysteries*!

Do not we know that some Ministers have omitted to read the Act against *prophane* Cursing and Swearing, and other Acts and Laws, once in every Quarter of a Year, as such Laws direct and require, and then *endeavour* to evade the Penalties therein provided for such Neglect by reading them four times in one Month :

Have not some of them omitted reading the *Homilies*, as directed by the Canon-Law, and oftentimes omit doing many *Essentials* requisite to be done by the Canons, and yet have *escaped* with Impunity, although there are *litigious* Persons in their Parishes ?

Very wonderful indeed ! and scarce credible.

We now *return* to the Dispute about the Register.

EXCEPTION in the Pamphlet, Page 8.

“ Books and Parchments repositied in Parish-Chests have been lost !

Answer. This could *not* have happened, if they had been kept in a Chest under *three* different *Locks* and *Keys*, pursuant to the 70th Canon ; but it often happens so, when Ministers keep them in their Houses ; and we do not think a Clergyman's House is safer from Fire than a Layman's !

ANOTHER EXCEPTION.

“ Some have been much *injured*, almost eat by *Worms*, and many *rotted* and *destroyed* by *Dampness* in Churches.”

Answer. There are some Records now in *Westminster-Hall* (and *Doomsday Book* in particular) which have been there about 7 or 800 Years — Records have been kept in the *Tower*

D

and

and in the *Rolls Chapel*, for many Centuries, which Places are as *damp* as *Churches*; and if the Ministers and Church-Wardens would be at the Trouble of *airing* the Registers, &c. with a *Charcoal*, or some *other Fire*, once or twice a Year, the *Worms* would be *destroyed*, and the *Damp* *evaporate*, and this Method is used in the above Places; and we do not find there are so much as *Fire Places* in the *Repositories* at *London*, much less *constant Fires*, which might occasion frequent Accidents to happen; but our Vestry has a *constant Fire* in it every Sunday during the *Winter Season*, and so our Registers can receive no such *Harm* or *Impair*, as is suggested they may by remaining *always* there.

The Minister has *laboured* much in his Pamphlet to *enforce* an *Indulgence* only granted to him (and other Ministers) in keeping the Registers *sometimes* at their own Houses, into a *Law*, or *Power* at least, to keep them there *always*.

The Directions in the Articles of Visitation Inquiry run thus, *viz.*

“ Have you a Register-Book of Parchment
 “ wherein to enter the Day and Year of every
 “ Christening, Wedding, and Burial within
 “ your Parish? 2. Are the Names of all Per-
 “ sons Christened, together with the Names
 “ or Surnames of their Parents, and also the
 “ Names of all Persons Married and Buried
 “ in the Parish the Week before, and the Day
 “ and Year of every such Christening, Mar-
 “ riage, and Burial, duly entered in the said
 “ Book?

“ Book ? 3. For the safe keeping of the said
 “ Book, have you a Coffer provided, with
 “ three Locks and Keys according to the Can-
 “ on in that Behalf ?”

We doubt not, but it is as obvious to every
 Body, as the Light at Noon Day is to one
 who can see ; that the 70th Canon was made
 to prevent some *Male Practices* * in future,
 which had been discovered to have been then-
 tofore done :

AND WHAT HAS BEEN DONE MAY BE
 DONE AGAIN :

If so, then it is a *Matter* of such *Consequence*
 to have the Register kept according to the Di-
 rection of the Canon, that no Parish ought to
 give up *the Point*, however *operose* the Canon
 may be, or however prejudicial to Indivi-
 duals : And it not being wanting at *Chrysten-*
ings or Burials (as the Minister keeps a *Minute*
 * *Book* for that Purpose) so the Trouble of en-
 tering the Minute into the Register-Book, be-
 fore or after Divine Service every *Sunday*, when
 the Church-Wardens of Course attend, is too
 trifling to *murmur* at.

In respect to the *Register-Book* of *Marriages*,
 kept pursuant to the late Act of Parliament, as
 we were not desirous of giving the Minister
 any unnecessary *Trouble*, or to put him in *Dan-*
ger of *loosing* any *Marriage* Fees, and it being

D 2

positively

* Some Church-Wardens have been so extremely remiss
 and negligent of their Duty, as to sign a Transcript of the
 Register to be transmitted to the Commons, without exa-
 mining it with the original Register-Book.

* Vide Page 33 of the Pamphlet.

positively required that the Parties married do sign a Certificate of their Marriage in it, immediately after the Solemnization ; and as all Marriages (we presume) ought to be entered *also* in the *general Register Book*, we did not insist of the new Register Book being put into the Chest ; but we never imagined that the Minister would suffer it to “ *risque its Fate with the Surplice, and other things in daily Use,*” because, at his *Peril*, he ought to take Care of it, and the Entries he makes therein, under Pain of suffering the *Penalties* provided by the Act, for such his Neglect: And the 70th Canon could have *no* Reference to it, as that Canon was made near 150 Years before the passing of the Marriage Act ; and lest any *Accident* should happen to the new Register, it seems absolutely necessary that all Marriages should be entered in the general Register, either from the Minute Book, or new Register, as the *latter* seems to have been in a great Measure calculated for the *Safety* of the Minister, and Persons married *conjunctly*, and the former *solely* for the *Safety* of the Persons married, their Property, &c. and as the Use of the general Register, in Respect to Marriages, is not *expressly* or *tacitly* laid aside by the late Marriage Act, it will be *commendable* to continue it, more especially as the new Register may be *lost* or *torn*, by being *tumbled* about in the *Vestry*, or *destroyed* by *Fire*, or some *other Accident*, at the Minister’s House, if it is kept there.

This

This Matter of not locking up the *new Register* with the *General Register*, the Minister has trumpeted out * as a Crime, or Violation of the 70th Canon, which we wanted to enforce; and by his Letter of the 20th of *January* † he has laid it as a *Trap* for us, and he thinks we have so compleatly fallen into it, that we can never fairly get out again: This artful Behaviour surely smells more of the *old leavenous Tricks* of an *Old Baily Solicitor*, than * * * * * and the *Calumny* endeavoured to be fixed upon us thereby is very disingenuously attempted at.

But let us suppose, for Argument Sake, that the Minister has a *Right*, or is *permitted* to keep the Register Book at his House, and the Church-Wardens, by Reason thereof, has not Access to, or the Perusal of it, above *once or twice* a Year; in such Case then, it is highly probable, that many Mistakes and Misentries may be made in it, notwithstanding the Minister should take the utmost Care and Caution in the Matter; but if the Register is locked up pursuant to the Canon, and as the Minister keeps a *Minute Book*, or instantaneous Register, and if the Church-Wardens are present when a formal Entry is made therefrom, into the Register

* Vide Page 55 and 56 of the Pamphlet.

† In his Letter he says—"These are the Words of the Canon, That the Register for Christenings, *Weddings*, and Burials, shall be put into a sure Coffre, &c." and hints, in Page 22, of the Pamphlet, that they should not be brought out again, without petitioning the Court, Amazing Absurdities indeed!

Register or Record, no Mistakes in Respect thereto can happen, because the Church-Wardens often go over the Parish, from Door to Door, in collecting Rates, Briefs, &c. and are in daily Conversation with the Inhabitants, and therefore *personally* acquainted with them, their Transactions, Designs, and Connections, and are more capable of detecting any Imposition that might be attempted, than the Minister, in the Nature of things possibly can be; and much easier can any Mistakes or Misentries be corrected or set right, when they are *recent*, than when they become *stale* or *forgot*; which must be the Case when the Register is in a *latent Disposition*, or *private Hands*, and kept from the View of the Parish Officers; and therefore the Directions of the Canon cannot and must not be dispensed with.

And we apprehend that if the Register is not hereafter kept as the Law directs, any *Parishioner* may present the Breach or Neglect of it, at a future Visitation; or seek for Relief in the *Commons*, or *Westminster-Hall*, and that the same will be done if Necessity requires it.

So much for the Register.

And we cannot help taking Notice of a *most extraordinary Note*, which appears in the 29th Page of the Pamphlet, *viz.*

“ A great many Copies of a Hymn for
 “ *Christmas-Day*, of six Stanzas, and under-
 “ neath *John Caseneuve* and *William Witheridge*,
 “ Church-Wardens of the Parish of *Chatbam*,
 “ 1765, had been lately printed — and —
 “ there

“ there is a great deal of Reason to believe,
 “ intended to have been made use of in *Chatham*
 “ Church, if it had not been properly signified,
 “ that no such Power did belong to the Office
 “ of Church-Warden.

Would not a *strange* Reader think, on reading this Note, that the *printed* Hymn was pregnant with, or contained some *heretical Doctrine, or enthusiastical Expressions or Notions, or something contrary* to the Principles of the Church of *England*? We here present you with a Copy of the printed Hymn (which was taken out of *Dr. Green's Psalmody*) and the Hymn which was sung in its stead, in opposite Pages, for your more easily comparing of them together.

An

An HYMN for *Christmas-Day*.

WHilst Shepherds watch'd their Flocks by
 Night,
 All seated on the Ground,
 The Angel of the Lord appear'd
 And Glories them surround.

Fear not, he said, for mighty Dread
 Had seiz'd their troubled Mind;
 Lo, I glad Tidings now do bring,
 To you and all Mankind.

In *David's* Town this Day is born,
 A Son of his own Line,
 The promis'd Seed of Royal Race,
 And this shall be the Sign.

Go to the Place, of which I speak,
 A Babe you'll find, as said,
 Wrapt meanly up in Swadling Bands,
 And in a Manger laid.

When thus the Angel had declar'd,
 The News he was to bring,
 A Multitude of Heavenly Breed,
 Like Words in Rapture sing:

All Glory be to God on high,
 To Men on Earth be Peace;
 Now Love and Mercy they enjoy,
 That's never like to cease.

The HYMN for *Christmas-Day*, which was sung.

WHILE Shepherds watch'd their Flocks by
Night,

All seated on the Ground,
The Angel of the Lord came down,
And Glory shone around.

Fear not, he said, for mighty Dread,
Had seiz'd their troubled Mind,
Glad Tidings of great Joy I bring
To you, and all Mankind.

To you, in *David's* Town, this Day,
Is born of *David's* Line,
The Saviour, who is Christ the Lord,
And this shall be the Sign.

The Heav'nly Babe you there shall find,
To human View display'd,
All meanly wrapt in Swathing Bands,
And in a Manger laid.

Thus spake the Seraph, and forthwith,
Appear'd a shining Throng
Of Angels, praising God, and thus
Address'd their joyful Song.

All Glory be to God on high,
And to the Earth be Peace,
Good-Will, henceforth from Heaven to Man,
Begin and never cease.

E

Pray

Pray is not the Difference between them too trifling to raise such a Suspicion and Fuss about it? We only printed a Hymn, which had been *used* in the same Church on the same *Anniversary*, for twenty or thirty Years last past, for the Ease of the Parishioners; it being usual for the Clerk, who is an old Man, and not so well understood as formerly, to read it Line by Line, which this Method intended to prevent; but it was laid aside by the Minister using his Authority in that Respect; which he would have the World believe we wanted to *deprive* him of.

We cannot pass over Page 38 likewise, without taking Notice of the Minister's *extream Kindness* towards us, in not taking Advantage of our *precipitate* Proceedings, and our going on with *illegal Vestries*; and that we had been told of our *Errors*, and *reasoned* with *freely* and *calmly* on the Subject: We *deny* that our Proceedings were *any ways precipitate*, but done on the most *mature Deliberation*, as appears by the Account thereof in the Beginning of this Book; and we *insist* that the Vestries were *legally held*, notwithstanding his *ipse dixit*, or Insinuations to the Contrary: and as to our having been told of our Errors, &c. we must confess there has been much *Conversation, Altercation and Chit Chat* about the Matter; but we persevered in our Undertaking, because we were *sure* that we were *committing* no *Errors*, and were doing no more than what was *actually incumbent* on us to do.

And

And now the *impartial Reader* may determine, whether we had not at our *first* setting out in this Business, *sufficient Reason* for requiring the Register-Books to be kept in a Chest in the Church, under three Locks and Keys, pursuant to the Direction of the 7th Canon. And,

Whether our Application to the Minister in that Behalf, was not done in a *proper, dutiful, and respectful* Manner : And,

Whether all our *subsequent* Proceedings were not transacted on *mature Consideration*, and in as *generous, open, and fair* a Method as the Nature of the Case would permit : And,

Whether we are not *sufficiently justify'd* in the Publication of this Case and Answer. And

Lastly, He may *consider*, whether

The Minister, by such his WITTINGLY, OBSTINATELY, and AUTHORITATIVELY *withholding* the Register from the Parish, as above set forth, contrary to the express Restrictions of the 7th Canon : And

By such a *partial* Publication as his late Pamphlet : Which is certainly such, by his *not* setting forth therein, the Matter in Dispute, in an *exact* Series of Time ; and not taking the *least* Notice of the Lord Bishop of *Rockester's* Letter, sent to him on the Affair, which might have ended the Dispute in its Infancy : And

By his publishing his *Letters* with such *Mutilations, Omissions and Alterations* ; and *totally omitting* to insert the several Letters and Vestry

Vestry Orders herein set forth, which were sent to him during the Controversy, has proved that he has "used his most *cordial* Endeavour " to *shut out Strife and Discord*, and to *preserve Peace and Harmony* in the Parish; and that he is a "*Well-Wisher* to that *Unity*, which he says " is a most *consummate and diffusive Blessing*, " and may be *compared* to the very *Unction*, of " the *High Priest of God, &c.*" OR NOT.

F I N I S.

23 JU 62

Erratum. In the Title Page, for *right* read *just*.

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loved
your
servant
that he
says
sing
on, or

1911

11